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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	Case No. CR 16-462 CRB
)	
Plaintiff,)	UNITED STATES' RESPONSE TO
)	DEFENDANT'S MOTION <i>IN LIMINE</i>
v.)	TO ADMIT EVIDENCE THAT
)	HEWLETT PACKARD IS COVERING
SUSHOVAN TAREQUE HUSSAIN,)	WITNESSES' LEGAL EXPENSES
)	
Defendant.)	

The United States hereby responds to the Defendant's Memorandum re: Evidence that Hewlett Packard is Covering Witnesses' Legal Expenses dated March 5, 2018 (Document 262). The motion should be denied because Hewlett-Packard ("HP") is required by its corporate bylaws to indemnify certain former officers in the United States – including Stouffer Egan and Joel Scott – undermining the defendant's claim that the payment of legal fees creates "an incentive to favor HP and the government." Document 262 at 2. *See* Attachment A (March 5, 2018 Email from HP Counsel attaching corporate bylaws and other documents available on request).

1 Factually, this case bears little resemblance to *Quintero v. United States*, 33 F.3d 1133,
 2 1135 (9th Cir. 1994), on which the defendant relies. In *Quintero*, the defendant sought to vacate
 3 his drug conviction for ineffective assistance of counsel because “his attorney was paid by an
 4 unknown third party.”

5 Here, HP, the former employer of certain witnesses in the trial, must provide mandatory
 6 indemnification for legal fees. These witnesses can hardly feel “gratitude,” as the defense
 7 contends, for something that is mandated. If evidence of HP’s payment of certain legal fees is
 8 admitted, it will open the door to proof that HP *must* pay legal fees for qualifying former officers
 9 and employees according to its corporate bylaws.

10 Finally, the government joins the defendant in emphasizing the importance of the
 11 Supreme Court’s ruling in *Wood v. Georgia*, 450 U.S. 261 (1981). In *Wood*, the Supreme Court
 12 noted that there are “inherent dangers that arise when a criminal defendant is represented by a
 13 lawyer hired and paid by a third party, particularly when the third party is the operator of the
 14 alleged criminal enterprise.” *Id.* at 268-69. If the defendant introduces evidence about HP’s
 15 payment of legal fees, then that may open the door to the possible payment of legal fees by
 16 interested parties for certain defense witnesses.

17 CONCLUSION

18 For these reasons, the Court should deny the defendant’s motion *in limine* to admit
 19 evidence about HP’s payment of legal fees.

20 Dated: January 5, 2018

Respectfully Submitted,

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 22 Acting United States Attorney

23 /s/

24 _____
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